

DT20 Rec'd PCT/PTO 20 AUG 2003

PCT
~~17~~
1710



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Muneo Sakurada Technology Center: 3700
Serial No. 09/980,623 Attention: Richard A. Bertsch
Fed: 12/05/2001 Director
Title: HEAT EXCHANGER

RENEWED PETITION UNDER RULE 181

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

We have received Decision on Petition mailed July 28, 2003, dismissing the petition filed March 4, 2003. The decision states that the petition did not comply with item (1). The item (1) calls for a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

In reply thereto, I hereby attest to the fact that a search of the file jacket and docket records (Exhibit 1 as filed March 4, 2003) indicates that the Office communication was not received.

Since we did not receive a filing receipt for this case almost one year after filing, we checked the file jacket and learned that the Combined Declaration for Patent Application and Power of Attorney prepared by Japanese council and executed in Japan on October 16, 2001, used the 727 S 23rd Street address (hereinafter "old address");

Art Unit: 3743

however, the application transmittal letter signed by me,
applicant's agent, and filed on December 5, 2001, when this
application was filed in the USPTO, gives the current
address, 1423 Powhatan Street, Alexandria, VA 222314,
(hereinafter "current address"). A copy of which is
attached hereto as Exhibit-2.

MPEP 601.03 provides that the correspondence
address must either be in an application data sheet (37 CFR
1.76) or in a clearly identifiable manner elsewhere in any
papers submitted with the application filing.

As set forth above, I specified the
correspondence address in the application transmittal
letter in a clearly identifiable manner. See Exhibit-2.

Further, a Preliminary Amendment (Exhibit-3)
concurrently filed with the application shows my correct
address as of the filing date of this application.

I reason that these two statements made by the
applicant's agent of record on the date that the
application was filed supersedes the previous applicant
statement in the Power of Attorney but, in order to make it
clear, as stated in the original petition, we filed a
change of address on November 11, 2002, which predates the
Notice of Abandonment mailed on February 7, 2003.

The decision further states, "it is unclear that
petitioner has made a showing that the Office Action mailed
July 26, 2002, was not received at the 727 S 23rd Street
address.

In reply thereto, I hereby state that my office,
Kanesaka & Takeuchi, moved out from the old address in the
middle of May 1998 so that I was not at the old address at
that time already. In fact, Mr. Masazumi Mori, Japanese
patent attorney for this case, sent this application to us

Art Unit: 3743

at the current address on November 19, 2001. A copy of the order letter is attached as Exhibit-4.

Therefore, it is apparent that we did not receive the Office Action at the old address or 727 S 23rd Street because I no longer had an office at the old address. I presume that the Post Office returned the mail to the USPTO. A check of the application file would have detected my address as given in the letter of transmittal or the Preliminary Amendment which accompanied the application at the time of filing.

ACTION REQUESTED

In view of the above, applicant respectfully requests that the Office withdraw the holding of abandonment and remail the Office action originally dated July 26, 2002, and thereby set a new date for response thereto.

Respectfully submitted,

August 20, 2003

KANESAKA & TAKEUCHI
1423 Powhatan Street
Alexandria, VA 22314
Tel: (703)519-9785



Yusuke Takeuchi
Reg. NO. 30,921
Agent for Applicant

EXHIBIT 2

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

R0108T

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
N/A

INTERNATIONAL APPLICATION NO.

PCT/JP00/01935

INTERNATIONAL FILING DATE

March 29, 2000

PRIORITY DATE CLAIMED

July 19, 1999

TITLE OF INVENTION

HEAT EXCHANGER

APPLICANT(S) FOR DO/EO/US

Muneo SAKURADA and Soichi KATO

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
 4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
 5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
 6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
 7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
 8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern other document(s) or information included:
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 14. ☐ A substitute specification.
 15. ☐ A change of power of attorney and/or address letter.
 16. ☐ Other items or information:

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) N/A		INTERNATIONAL APPLICATION NO. PCT/JP00/01935		ATTORNEY'S DOCKET NUMBER R0108T	
---	--	--	--	---	--

17. ☒ The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Search Report has been prepared by the EPO or JPO..... **\$830.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482) **\$640.00**

No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).. **\$710.00**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37CFR 1.445(a)(2)) paid to USPTO..... **\$950.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... **\$90.00**

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$	290												
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:15%;">Claims</th> <th style="width:25%;">Number Filed</th> <th style="width:25%;">Number Extra</th> <th style="width:35%;">Rate</th> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">10 -20 -</td> <td style="text-align: center;">0</td> <td style="text-align: center;">X \$22.00</td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">1 -3 -</td> <td style="text-align: center;">0</td> <td style="text-align: center;">X \$74.00</td> </tr> </table>	Claims	Number Filed	Number Extra	Rate	Total Claims	10 -20 -	0	X \$22.00	Independent Claims	1 -3 -	0	X \$74.00	\$	0
Claims	Number Filed	Number Extra	Rate											
Total Claims	10 -20 -	0	X \$22.00											
Independent Claims	1 -3 -	0	X \$74.00											
Multiple dependent claims(s) (if applicable)		+ \$230.00	\$	0										
TOTAL OF ABOVE CALCULATIONS =			\$	0										
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).			\$											
SUBTOTAL =			\$											
Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			\$											
TOTAL NATIONAL FEE =			\$	290										
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +			\$	40										
TOTAL FEES ENCLOSED =			\$	930										
			Amount to be:											
			refunded	\$										
			charged	\$										

- a. ☒ A check in the amount of \$ 930 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-0060. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

KANESAKA & TAKEUCHI
1423 Powhatan Street
Alexandria, VA22314
Attn: Yusuke Takeuchi
Tel: (703)519-9785
Fax: (703)519-7769

SIGNATURE

Yusuke Takeuchi

NAME

30,921

REGISTRATION NUMBER

Y. Takeuchi

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SAKURADA, M
Serial No. N/A
Filed: 12/06/01
Title: HEAT EXCHANGER

Group Art Unit: N/A
Examiner: N/A

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents Submitted: 12/06/01
Washington, D.C. 20231

Dear Sir:

Please amend the above-identified patent application as follows:

In the Claim:

Please amend claims 4-6 to read as follows:

--4. (Amended) The heat exchanger according to claim 1 or 2, wherein the two or more heat exchangers disposed in parallel have a space of 15 mm or less between them.

5. (Amended) The heat exchanger according to claim 1 or 2, wherein one of the heat exchangers is a condenser and the other is a radiator.

6. (Amended) The heat exchanger according to claim 1 or 2, wherein the two or more heat exchangers are integrally configured using a common member.--

REMARKS

Application Number: N/A

page 2

Art Unit: N/A

This amendment is to avoid multiple
depending claims which are dependent upon another
multiple depending claim.

Respectfully submitted,



Yusuke Takeuchi

Reg. No. 30,921

Agent for Applicant

Date: 12/05/01

KANESAKA & TAKEUCHI
1423 Powhatan Street
Alexandria, VA 22314
Tel.: (703) 519-9785

VERSION WITH MARKINGS TO SHOW CHANGES MADE

--4. (Amended) The heat exchanger according to [any of claims 1 to 3] claim 1 or 2, wherein the two or more heat exchangers disposed in parallel have a space of 15 mm or less between them.

5. (Amended) The heat exchanger according to [any of claims 1 to 4] claim 1 or 2, wherein one of the heat exchangers is a condenser and the other is a radiator.

6. (Amended) The heat exchanger according to [any of claims 1 to 5] claim 1 or 2, wherein the two or more heat exchangers are integrally configured using a common member.--

MORI PATENT OFFICE

9-10 HONCHO 2-CHOME
NAKANO-KU, TOKYO 164
JAPAN
TEL (03) 3373-9510
FAX (03) 3372-3981

EXHIBIT-4

Mr. Yusuke Takeuchi
KANESAKA & TAKEUCHI
1423 Powhatan Street
Alexandria, VA 22314
U.S.A.

November 19, 2001

Re: U.S Patent Application corresponding to PCT/JP00/01935
Zexel Valeo Climate Control Corporation
Our Ref.: P-451

Dear Mr. Takeuchi,

In connection with the above-mentioned international application, we hereby request you to take necessary steps for entry into the national phase before the USPO by January 19, 2002 the latest.

PARTICULARS

TITLE: HEAT EXCHANGER

ASSIGNEE:

Zexel Valeo Climate Control Corporation
39, Aza-Higashihara, Oaza-sendai, Kohnan-machi, Oosato-gun, Saitama
360-0193, Japan

(Note: Assignee's name and address have been changed to the above mentioned from Bosch Automotive System Corp.)

INVENTORS:

Muneo SAKURADA
Soichi KATO
c/o Zexel Valeo Climate Control Corporation
39, Aza-Higashihara, Oaza-sendai, Kohnan-machi, Oosato-gun, Saitama
360-0193 Japan

INTERNATIONAL APPLICATION NO.: PCT/JP00/01935

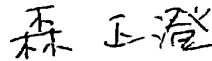
INTERNATIONAL FILING DATE: Mar. 29, 2000

PRIORITY: Japan Patent App. No.11-204354(Jul.19, 1999)

DOCUMENTS HEREWITH: 1. English translation
2. Drawings
3. International Search Report
4. Cover sheet of WO publication
5. Notification of the recording of a change
6. Floppy disk
7. Declaration/Power of Attorney

Please kindly acknowledge your receipt of this letter and enclosures by facsimile.

Very truly yours,



Masazumi Mori

Encls.